

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., et al.,

Defendants.

Civil No. 2:22-cv-00293-RWS-RSP

JURY TRIAL DEMANDED

JOINT STATUS REPORT REGARDING PENDING MOTIONS

Pursuant to the Court's Order, Dkt. 770, Netlist and Samsung respectfully submit the following list of pending motions in the above-captioned case:

Dkt.	Motion
338	Samsung's Motion for Summary Judgment re No Pre-suit Damages
341	Samsung's Motion for Summary Judgment re No Willfulness
342	Netlist's Motion for Summary Judgment re Laches, Estoppel, Waiver
343	Netlist's Motion for Summary Judgment re Invalidity
346	Samsung's <i>Daubert</i> Motion re Kennedy
350	Samsung's <i>Daubert</i> Motion re Mangione-Smith
353	Samsung's Motion for Summary Judgment re Non-Infringement of '912
355	Netlist's Motion To Strike re Kindler
356	Netlist's Motion for Summary Judgment re Not Standard Essential
358	Netlist's Motion To Strike re Halbert
359	Netlist's <i>Daubert</i> Motion re McAlexander
374	Samsung's Motion To Preclude re Essentiality
383	Samsung's Motion To Bifurcate
611	Netlist's Motions <i>in Limine</i>
612	Samsung's Motions <i>in Limine</i>
669	Netlist's Motion To Strike re Kindler Supplement
735	Samsung's Motion To Stay Pending IPR
740	Netlist's Motion To Supplement re Kennedy
741	Samsung's Motion for Leave To File Motion To Compel Micron Trial Transcripts
742	Samsung's Motion To Compel Micron Trial Transcripts
746	Netlist's Motion To Amend Exhibit List
756	Samsung's Motion To Withdraw Motion To Compel Micron Trial Transcripts
767	Netlist's Req. for Emergency Teleconference (MOOT)

Netlist's Position on Priority and Additional Mootness

Netlist submits that the motions should be argued in the following order of priority:

I. Motions re: Essentiality

- **Dkt. 356:** Netlist's Motion for Summary Judgment that the Asserted Patents Are Not Standard Essential.
- **Dkt. 374:** Samsung's Motion To Preclude Evidence Regarding the Alleged Essentiality of the Asserted Patents.

II. Motions re: Infringement/Validity

- **Dkt. 353:** Samsung's Motion for Partial Summary Judgment Noninfringement Concerning the '912 Patent.
- **Dkt. 343:** Netlist's Motion Partial for Summary Judgment on Samsung's Invalidity Defenses.

III. Motions re: Liability Expert Reports

- **Dkt. 350:** Samsung's Daubert Motion and Motion To Strike Expert Testimony of Dr. William Henry Mangione-Smith.
- **Dkt. 359:** Netlist's Motion To Strike Certain Opinions of Samsung Defendants' Expert Mr. Joseph McAlexander.

IV. Motions re: Damages/Willfulness

- **Dkt. 338:** Samsung's Motion for Summary Judgment of No Pre-Suit Damages.
- **Dkt. 341:** Samsung's Motion for Summary Judgment of No Willfulness.

V. Motions re: Damages-Related Expert Reports

- **Dkt. 346:** Samsung's Daubert Motion and Motion To Strike Expert Testimony of David Kennedy.
- **Dkt. 740:** Netlist's Motion for Leave to Supp. Expert Report of Mr. David Kennedy.
- **Dkt. 355:** Netlist's Motion To Strike Portions of the Rebuttal Expert Report of Lauren Kindler.
- **Dkt. 669:** Netlist's Motion To Strike Supp. Rebuttal Expert Report of Lauren Kindler.
- **Dkt. 358:** Netlist's Motion To Strike Certain Opinions of Defendants' Expert John B. Halbert.

VI. Other Pending Motions

- **Dkt. 342:** Netlist's Motion for Summary Judgment Dismissing Samsung's Affirmative Defense of Laches, Estoppel, and/or Waiver.

- **Dkt. 383:** Samsung's Corrected Motion To Bifurcate Liability Issues from License Defense, Damages, and Willfulness Issues.
- **Dkt. 735:** Samsung's Renewed Motion to Stay Pending Appeal of the PTABs IPR Final Written Decisions Invalidating the Asserted Claims of the 912 and 417 Patents.
- **Dkt. 746:** Netlist's Motion For Leave To Serve Amended Exhibit List And Supplemental Deposition Designations.
- **Dkt. 756:** Samsung's Opposed Motion to Withdraw Its Motion to Compel the Public Portions Of The Trial Transcript of Netlist v. Micron, 2:22-cv-294-JRG-RSP (Dkt. 741, 742).

VII. Motions in Limine

- **Dkt. 612:** Samsung's Omnibus Motion in Limine.
- **Dkt. 611:** Netlist's Additional Motions (Samsung Case No. 2:22-CV-293).

Samsung's Position on Priority and Additional Mootness

Samsung submits that the motions should be argued in the following order of priority:

Motion To Bifurcate, Motion To Stay Pending *Inter Partes* Review

Dkt.	Motion	Priority
735	Samsung's Motion To Stay Pending IPR	1
383	Samsung's Motion To Bifurcate	2

Motions re Essentiality

Dkt.	Motion	Priority
356	Netlist's Motion for Summary Judgment re Not Standard Essential	3
374	Samsung's Motion To Preclude re Essentiality	

Summary Judgment Motions re Damages / Willfulness

Dkt.	Motion	Priority
338	Samsung's Motion for Summary Judgment re No Pre-suit Damages	4
341	Samsung's Motion for Summary Judgment re No Willfulness	5

Summary Judgment Motions re Infringement

Dkt.	Motion	Priority
353	Samsung's Motion for Summary Judgment re Non-Infringement of '912	6

Summary Judgment Motion re Invalidity

Dkt.	Motion	Priority
343	Netlist's Motion for Summary Judgment re Invalidity	7

Daubert Motions / Motions To Strike re Damages Reports

Dkt.	Motion	Priority
346	Samsung's <i>Daubert</i> Motion re Kennedy	8
740	Netlist's Motion To Supplement re Kennedy	
355	Netlist's Motion To Strike re Kindler	9
669	Netlist's Motion To Strike re Kindler Supplement	

Daubert Motions / Motions To Strike re Technical Reports

Dkt.	Motion	Priority
350	Samsung's <i>Daubert</i> Motion re Mangione-Smith	10
359	Netlist's <i>Daubert</i> Motion re McAlexander	11
358	Netlist's Motion To Strike re Halbert	12

Miscellaneous Motions

Dkt.	Motion	Priority
342	Netlist's Motion for Summary Judgment re Laches, Estoppel, Waiver	13
746	Netlist's Motion To Amend Exhibit List	14

Motions in Limine

Dkt.	Motion
611	Netlist's Motions <i>in Limine</i>
612	Samsung's Motions <i>in Limine</i>

Moot Motions

In addition to Dkt. 767, Samsung submits that the following motions are moot:

Dkt.	Motion
741	Samsung's Motion for Leave To File Motion To Compel Micron Trial Transcripts
742	Samsung's Motion To Compel Micron Trial Transcripts
756	Samsung's Motion To Withdraw Motion To Compel Micron Trial Transcripts

These motions need not be addressed at the motions hearing. Samsung moved to compel the non-confidential portions of the transcripts from the Micron trial. Samsung has since obtained those transcripts, rendering its motion to compel moot. Netlist's opposition does not oppose the relief that Samsung requests, but submits instead that the confidential transcripts should be provided as well. Samsung does not possess the confidential transcripts, but does not oppose them being produced by Netlist, so long as Samsung has adequate time to review them before trial. Of course, Samsung cannot waive the confidentiality restrictions in the Micron case.

* * *

Dated: August 30, 2024

Respectfully submitted,

/s/ Jason Sheasby

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CERTIFICATE OF SERVICE

I hereby certify that, on August 30, 2024, a copy of the foregoing was served to all counsel of record via the Court's CM/ECF system.

/s/ Jason Sheasby
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